

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

771C0074

HOUSE ENGROSSED NO. **SB33** - 2/2/99

Introduced by: The Committee on Local Government at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to create a procedure for challenging certain nominating,
2 initiative, or referendum petitions and to require the Board of Elections to report to the
3 secretary of state concerning changes in election laws.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Within five business days after a nominating, initiative, or referendum petition is
6 filed with the person in charge of the election, any interested person who has researched the
7 signatures contained on the petition may file an affidavit stating that the petition contains
8 deficiencies as to the number of signatures from persons who are eligible to sign the petition. The
9 affidavit shall include an itemized listing of the specific deficiencies in question.

10 Section 2. The person in charge of the election shall verify the information contained in the
11 affidavit filed pursuant to section 1 of this Act and make a written declaration regarding the
12 validity of the signatures in question. The person in charge of the election shall verify that each
13 person was a registered voter at the time the person signed the petition by using the registration
14 documents on file in the office of the county auditor.

15 Section 3. The person in charge of the election shall immediately notify by certified mail any
16 candidate whose nominating petition or any primary sponsor whose referendum or initiative

1 petition is rejected and declared invalid in accordance with this Act.

2 Section 4. If a person fails to challenge a petition pursuant to section 1 of this Act, it does
3 not deny that person any other legal remedy to challenge the filing of a nominating, initiative, or
4 referendum petition.

5 Section 5. That § 12-1-10 be amended to read as follows:

6 12-1-10. The Board of Elections shall report to and make recommendations to the
7 ~~Legislature~~ secretary of state concerning desirable or necessary changes in the election laws of
8 this state.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Local Government. S.J. 21

3 1/16/99 Scheduled for Committee hearing on this date.

4 1/16/99 Local Government Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 58

5 1/20/99 Senate Do Pass Amended, Passed, AYES 31, NAYS 4. S.J. 134

6 1/21/99 First read in House and referred to State Affairs. H.J. 111

7 1/25/99 Scheduled for Committee hearing on this date.

8 1/27/99 Scheduled for Committee hearing on this date.

9 1/27/99 State Affairs Do Pass, Passed, AYES 12, NAYS 0. H.J. 206

10 1/28/99 House of Representatives Deferred to another day. H.J. 257

11 2/1/99 Motion to Amend, Passed. H.J. 300

12 2/1/99 House of Representatives Do Pass Amended, Passed, AYES 62, NAYS 6. H.J. 301

13 2/1/99 House of Representatives Title Amended Passed. H.J. 301